

CITY UTILITIES COMMITTEE

AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WHICH AUTHORIZES NORFOLK SOUTHERN RAILWAY COMPANY TO INSTALL A NEW HOLLYWOOD ROAD BRIDGE ABOVE THE RAILROAD'S RIGHT-OF-WAY THAT RUNS BELOW HOLLYWOOD ROAD BETWEEN PERRY BOULEVARD TO BURTZ STREET, TO RELOCATE A DEPARTMENT OF WATERSHED MANAGEMENT WATER MAIN RUNNING ACROSS THE SURFACE FOR THE PRESENT BRIDGE; TO REQUIRE THE RAILROAD TO DELIVER TO THE CITY A NEW EASEMENT OVER THE RAILROAD'S PROPERTY UNDER THE HOLLYWOOD ROAD BRIDGE; AND FOR OTHER PURPOSES.

WHEREAS, the Norfolk Southern Railway Company ("Railroad") has agreed to improve and reconstruct the bridge which carries Hollywood Road over the Railroad's right-of-way on Hollywood Road between Perry Boulevard and Burtz Street (The "Bridge Replacement Project"); and

WHEREAS, this will cause the temporary closure of a portion of Hollywood Road Bridge to permit the construction of the new bridge; and

WHEREAS, it will be necessary to acquire permanent construction easements and necessary rights-of-way from various property owners for the installation of new permanent traffic signalization along the proposed detour route to be used during construction of the Bridge Replacement Project; and

WHEREAS, the Railroad shall acquire and then convey to the City all temporary and permanent easements and rights-of-way needed for traffic signalization, intersection improvements, or traffic detours needed during the course of the Project construction in accordance with the Project Plans; and

WHEREAS, the City desires to enter into an agreement with the Railroad for the purpose of setting out the responsibilities of the parties with respect to the Bridge Replacement Project; and

WHEREAS, the aforesaid agreement contemplates that the City and Railroad will work cooperatively together on said Bridge Replacement Project; and

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor is authorized to enter into an agreement with the Norfolk Southern Railway Company for the purpose of permitting the Railroad to install a new Hollywood Road Bridge that runs below Hollywood Road between Perry Boulevard and Burtz Street.

BE IT FURTHER RESOLVED, that said agreement will contain provisions related to the Railroad's responsibility with respect to construction of the new Hollywood Road bridge, the replacement and relocation of a Department of Watershed Management Development eight inch water main that now runs across the surface of the existing bridge, the Railroad's responsibility in acquiring easements to permit the installation of traffic control devices along the required construction detour route, and the Railroad's agreement to provide the City with a new easement across the Railroad's property.

BE IT FURTHER RESOLVED, that the City Attorney be and is hereby directed to prepare the appropriate contractual agreement for execution by the Mayor.

AND FINALLY BE IT RESOLVED, that the Agreement shall not become binding upon the City and City shall incur no obligation or liability hereunder until the same has been signed by the Mayor and attested to by the Municipal Clerk, and delivered to Norfolk Southern Railway Company.

**A RESOLUTION BY
CITY UTILITIES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WHICH AUTHORIZES THE NORFOLK SOUTHERN RAILWAY COMPANY TO INSTALL A NEW HOLLYWOOD ROAD BRIDGE ABOVE THE RAILROAD'S RIGHT-OF-WAY THAT RUNS BELOW HOLLYWOOD ROAD BETWEEN PERRY BOULEVARD AND BURTZ STREET, TO RELOCATE A DEPARTMENT OF WATERSHED MANAGEMENT WATER MAIN RUNNING ACROSS THE SURFACE OF THE PRESENT BRIDGE, TO CAUSE THE CITY TO ASSIST, IF NECESSARY IN THE PERMANENT ACQUISITION OF EASEMENTS TO PERMIT THE INSTALLATION OF TRAFFIC CONTROL DEVICES ALONG THE TEMPORARY DETOUR ROUTE TO BE USED DURING BRIDGE CONSTRUCTION, TO REQUIRE THE RAILROAD TO DELIVER TO THE CITY A NEW EASEMENT OVER THE RAILROAD'S PROPERTY UNDER THE HOLLYWOOD ROAD BRIDGE ; AND FOR OTHER PURPOSES.

WHEREAS, the Norfolk Southern Railway Company ("Railroad") has agreed to improve and reconstruct the bridge which carries Hollywood Road over the Railroad's right-of-way on Hollywood Road between Perry Boulevard and Burtz Street (The "Bridge Replacement Project"); and

WHEREAS, this will cause the temporary closure of a portion of Hollywood Road to permit the construction of the new bridge; and

WHEREAS, it will be necessary to acquire permanent construction easements and necessary rights-of-way from various property owners for the installation of new permanent traffic signalization along the proposed detour route to be used during construction of the Bridge Replacement Project; and

WHEREAS, the City desires to enter into an agreement with the Railroad for the purpose of setting out the responsibilities of the parties with respect to the Bridge Replacement Project; and

WHEREAS, the aforesaid agreement contemplates that the City and Railroad will work cooperatively together on said Bridge Replacement Project; and

WHEREAS, companion legislation is proposed to authorize the City to make use of Declaration of Taking as a method of condemnation, if necessary, to expedite the acquisition of easement rights and possession of property interests necessary for the timely completion of this project which involves road and transportation improvements, and, in addition, to accept an easement deed from the Railroad for the right-of-way.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor be and is hereby authorized to enter into an agreement with

the Norfolk Southern Railroad Company for the purpose of permitting the Railroad to install a new Hollywood Road Bridge that runs below Hollywood Road between Perry Boulevard and Burtz Street.

BE IT FURTHER RESOLVED, that said agreement will contain provisions related to the Railroad's responsibility with respect to construction of the new Hollywood Road bridge, the replacement and relocation of a Department of Watershed Development eight inch water main that now runs across the surface of the existing bridge, the City's responsibility with respect to assisting the Railroad in acquiring easements to permit the installation of traffic control devices along the required construction detour route, and the Railroad's agreement to provide the City with a new easement across the Railroad's property.

BE IT FURTHER RESOLVED, that the City Attorney be and is hereby directed to prepare the appropriate contractual agreement for execution by the Mayor.

BE IT FINALLY RESOLVED, that the Agreement shall not become binding upon the City and City shall incur no obligation or liability hereunder until the same has been signed by the Mayor and attested to by the Municipal Clerk, and delivered to Norfolk Southern Railroad Company.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities Committee

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WHICH AUTHORIZES THE NORFOLK SOUTHERN RAILWAY COMPANY TO INSTALL A NEW HOLLYWOOD ROAD BRIDGE ABOVE THE RAILROAD'S RIGHT-OF-WAY THAT RUNS BELOW HOLLYWOOD ROAD BETWEEN PERRY BOULEVARD AND BURTZ STREET, TO RELOCATE A DEPARTMENT OF WATERSHED MANAGEMENT WATER MAIN RUNNING ACROSS THE SURFACE OF THE PRESENT BRIDGE, TO CAUSE THE CITY TO ASSIST, IF NECESSARY IN THE PERMANENT ACQUISITION OF EASEMENTS TO PERMIT THE INSTALLATION OF TRAFFIC CONTROL DEVICES ALONG THE TEMPORARY DETOUR ROUTE TO BE USED DURING BRIDGE CONSTRUCTION, TO REQUIRE THE RAILROAD TO DELIVER TO THE CITY A NEW EASEMENT OVER THE RAILROAD'S PROPERTY UNDER THE HOLLYWOOD ROAD BRIDGE ; AND FOR OTHER PURPOSES.

Council Meeting Date: June 2, 2008

Requesting Dept.: Department of Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

The purpose of this legislation is to allow the City of Atlanta to enter into an Agreement with the Norfolk Southern Railway Company

2. Please provide background information regarding this legislation.

The Norfolk Southern Railroad intends to improve and reconstruct the Hollywood Road Bridge where it crosses the tracks of Railroad as part of a track extension. The City and the Railroad have agreed to cooperate to provide for the construction of a bridge structure and associated roadway approaches which will carry the City's Hollywood Road over the Railroad's right-of-way and tracks. The Railroad will prepare plans, specifications and special provisions relating to the proposed construction of the Bridge and submit the same to the City for its approval. The Railroad will construct the Bridge, together with associated roadway approaches, all in accordance with said plans, specifications, special provisions, as approved by City. The City agrees to furnish all traffic detours, excluding signalization. The City will also acquire right-of-way, including condemnation if

necessary, for traffic signalization and intersection improvements associated with the detour.

The City, through its Department of Watershed Management, also agrees to permit the temporary removal of the existing water line, presently carried by the existing ridge to be demolished, to arrange for its temporary diversion to that portion of the Bridge to be installed in the first phase of the construction, if that is required, to install a new water line at the specified plan location and to remove any temporary water line from the new structure that may have been required by the work, at no expense to the Railroad.

3. If Applicable/Known:

(a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Interagency Agreement

(b) **Source Selection:** N/A

(c) **Bids/Proposals Due:** N/A

(d) **Invitations Issued:** N/A

(e) **Number of Bids:** N/A

(f) **Proposals Received:** N/A

(g) **Bidders/Proponents:** N/A

(h) **Term of Contract:** N/A

4. **Fund Account Center:** N/A

5. **Source of Funds:** N/A

6. **Fiscal Impact:** N/A

7. **Method of Cost Recovery:** N/A

This Legislative Request Form Was Prepared By: Allen Johnson

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Department of Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: May 14, 2008

Anticipated Committee Meeting Date(s): May 27, 2008

Anticipated Full Council Date: June 2, 2008

Legislative Counsel's Signature: Saul Schultz

Commissioner Signature: JJ Basista (SJS)

Chief Procurement Officer Signature: _____

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WHICH AUTHORIZES THE NORFOLK SOUTHERN RAILWAY COMPANY TO INSTALL A NEW HOLLYWOOD ROAD BRIDGE ABOVE THE RAILROAD'S RIGHT-OF-WAY THAT RUNS BELOW HOLLYWOOD ROAD BETWEEN PERRY BOULEVARD AND BURTZ STREET, TO RELOCATE A DEPARTMENT OF WATERSHED MANAGEMENT WATER MAIN RUNNING ACROSS THE SURFACE OF THE PRESENT BRIDGE, TO CAUSE THE CITY TO ASSIST, IF NECESSARY IN THE PERMANENT ACQUISITION OF EASEMENTS TO PERMIT THE INSTALLATION OF TRAFFIC CONTROL DEVICES ALONG THE TEMPORARY DETOUR ROUTE TO BE USED DURING BRIDGE CONSTRUCTION, TO REQUIRE THE RAILROAD TO DELIVER TO THE CITY A NEW EASEMENT OVER THE RAILROAD'S PROPERTY UNDER THE HOLLYWOOD ROAD BRIDGE ; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 5.14.08 Reviewed by: JJ
(date) (date)

Submitted to Council: _____